

Assembly Bill No. 1616

CHAPTER 149

An act to amend Section 5309 of, and to add Section 6405 to, the Food and Agricultural Code, relating to agriculture.

[Approved by Governor July 22, 1995. Filed with Secretary of State July 24, 1995.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1616, Setencich. Agriculture: plant quarantine.

(1) Existing law includes provisions governing plant quarantine regulations and inspection stations in the state. A violation of these provisions is an infraction, punishable by a fine of not more than \$75 for the first offense. For a second or subsequent offense within 3 years of a prior conviction of a violation of any of these provisions, the offense is punishable as a misdemeanor.

This bill would increase the fine specified above for the first offense from \$75 to \$1,000.

Existing law makes it unlawful for any person to transport, receive, or import into the state, any plant or any thing against which a quarantine has been established, except as specified. A violation of these provisions is punishable as a misdemeanor.

This bill, in addition, would provide that any certificate issued pursuant to a quarantine regulation, that has been altered, defaced, or improperly completed or changed is void. The bill also would provide that it shall be unlawful for any person to (1) alter, deface, or otherwise falsify or change a certificate that is attached to any plant shipment or other thing entering the state; (2) use, or have in his or her possession, any certificate that has been altered, defaced, or otherwise falsified or changed; or (3) transport, receive, or possess any plant material represented by a certificate. Thus, because the bill would create new crimes, it would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 5309 of the Food and Agricultural Code is amended to read:

5309. Any violation of this chapter by any person, or an agent of any person, is an infraction, punishable by a fine of not more than one thousand dollars (\$1,000) for the first offense. For a second or subsequent offense within three years of a prior conviction of a violation of this chapter, the violation is punishable as a misdemeanor.

SEC. 2. Section 6405 is added to the Food and Agricultural Code, to read:

6405. (a) Any certificate that has been altered, defaced, or improperly completed or changed is void.

(b) It shall be unlawful for any person to do any of the following:

(1) Alter, deface, or otherwise falsify or change, a certificate that is attached to any plant shipment or other thing entering the state.

(2) Use, or have in his or her possession, any certificate that has been altered, defaced, or otherwise falsified or changed.

(3) Transport, receive, or possess any plant material represented by a certificate.

(c) For purposes of this section, "certificate" means a certificate issued pursuant to a quarantine regulation.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

